

The motion prevailed by the following vote:

Yeas—21.

| | |
|-------------|------------|
| Beaty. | Hill. |
| Brachfield. | Lipscomb. |
| Cain. | Martin. |
| Douglass. | McKamy. |
| Faust. | Mills. |
| Grinnan. | Morris. |
| Hale. | Patteson. |
| Hanger. | Perkins. |
| Harbison. | Sebastian. |
| Harper. | Willacy. |
| Henderson. | |

Nays—3.

| | |
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| Faulk. | Savage. |
| Hicks. | |

Present—Not voting.

Davidson of
DeWitt.

Absent.

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| Davidson of | Paulus. |
| Galveston. | Stafford. |
| Decker. | Wilson. |
| Faubion. | |

TWENTY-EIGHTH DAY.

Senate Chamber,
Austin, Tex., Thursday, Feb. 26, 1903.

Senate met pursuant to adjournment.

President Pro Tem. Davidson of DeWitt in the chair.

Roll call. Quorum present, the following Senators answering to their names:

| | |
|-------------|------------|
| Beaty. | Henderson. |
| Brachfield. | Hicks. |
| Cain. | Hill. |
| Davidson of | Lipscomb. |
| DeWitt. | Martin. |
| Davidson of | McKamy. |
| Galveston. | Mills. |
| Decker. | Morris. |
| Douglass. | Patteson. |
| Faulk. | Paulus. |
| Faust. | Perkins. |
| Grinnan. | Savage. |
| Hale. | Sebastian. |
| Hanger. | Willacy. |
| Harbison. | Wilson. |
| Harper. | |

Absent.

Faubion. Stafford.

ROLL CALL OF OFFICERS AND EMPLOYEES.

Present.

Clyde D. Smith.
W. E. DeLamar.
R. M. Gilmore.

Amos Wynne.
W. M. Cobb.
Eldred McKinnon.
Mrs. Laura V. Grinnan.
F. P. Smith.
Miss Lucy Lane.
C. H. Allen.
D. F. Hughes.
Frank Mullins.
C. J. Kirk.
Rev. I. S. Davenport.
Miss May Fant Odom.
J. C. Son.
Miss Georgia Sturgiss.
Mrs. Hattie Yarbrough.
Miss Hope H. Hawkins.
Miss Emily Holcomb.
Mrs. J. R. Van Orden.
Miss Bessie Goldstein.
W. T. Pace.
W. A. Shaw, Jr.
Lucien Goss.
J. A. Chaffe.
Charlie Lane.
Willie Gibson.
Henry Paulus.
Evetts Thornhill.
Walter Savage.
Jas. Sebastian.
Willie Gray.
Jamie Snipes.
Ed Underhill.
John Durst.
Will Bartley.
Reed Pierson.
Dan Edwards.
Josh Pyles.
Ellis Monroe.
Albert Hill.
Mark Marsh.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Harbison, the same was dispensed with.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, February 26, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 18, A bill to be entitled "An Act to amend Article 1114, Title XV, Chapter 3, of the Code of Criminal Procedure of the State of Texas," amending the law so as to provide for the pay of special veniremen who are not accepted as jurors in the case in which they are summoned."

House bill No. 15, A bill to be entitled "An Act to prevent coercion, force or

blacklisting of any employe or laborer, and to provide a penalty for the violation of same, so as to prevent the practice of compelling employes to trade with employers or persons designated by them, making the offense a misdemeanor, punishable by fine of not less than fifty nor more than two hundred dollars."

Substitute House bill No. 11, A bill to be entitled "An Act to amend Articles 3973r, 3974 and 3978, of Title LXXXVI, Chapter 13, of the Revised Civil Statutes of Texas of 1895," with engrossed rider.

Senate bill No. 172, A bill to be entitled "An Act changing and fixing the times of holding the courts in the Third Judicial District of Texas, and providing for a longer term in Henderson county."

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS REFERRED.

The Chair had read and referred the following House bills:

House bill No. 18, A bill to be entitled "An Act to amend Article 1114, Title XV, Chapter 3, of the Code of Criminal Procedure of the State of Texas," amending the law so as to provide for the pay of special veniremen who are not accepted as jurors in the case in which they are summoned."

Referred to Judiciary Committee No. 2.

House bill No. 15, A bill to be entitled "An Act to prevent coercion, force or blacklisting of any employe or laborer, and to provide a penalty for the violation of same, so as to prevent the practice of compelling employes to trade with employers or persons designated by them, making the offense a misdemeanor, punishable by fine of not less than fifty nor more than two hundred dollars."

Referred to Judiciary Committee No. 2.

Substitute House bill No. 11, A bill to be entitled "An Act to amend Articles 3973r, 3974 and 3978, of Title LXXXVI, Chapter 13, of the Revised Civil Statutes of Texas of 1895," with engrossed rider.

Referred to Judiciary Committee No. 2.

SPECIAL COMMITTEE APPOINTED.

The Chair announced the appointment of the following committee on part of the Senate, relative to the purchasing of San Jacinto battle picture:

Senators Hicks, Paulus, Lipscomb, Hanger and Brachfield.

Senator Hanger moved that he be released from the committee, and Senator

Davidson of DeWitt be appointed in his place.

The motion prevailed.

PETITIONS AND MEMORIALS.

Senator Davidson of DeWitt offered the following, and asked that it be published in the Journal.

To the Honorable Senate and House of Representatives of the State of Texas:

We, the undersigned citizens of Southwest Texas, would respectfully protest against the passage of the bill now pending before your honorable bodies to amend the present law regulating the quarantining of live stock, etc. We would respectfully represent and show unto your honorable bodies that we are largely engaged in raising live stock in the Southwestern portion of this State, and we are largely dependent upon the Indian Territory for an outlet for our cattle, and as a place for the development of our cattle for market, and quite a number of us are interested in pasture lands in the Territory; and we would further show unto your honorable bodies that should the pending bill become a law (as we understand it) it would practically repeal the present law, and would make an open season the whole year, instead of sixty days, as it now stands. This would provoke hostile legislation by other States and Territories, and thereby our cattle would be entirely shut out, and, besides the Federal quarantine line will be moved to the Texas border. This would result in great injury to the entire stock interest, and practically destroy a great portion of the cattle growing interest of Texas. We therefore ask that you refuse to pass the bill.

E. D. Jackson.

E. W. Wheeler.

T. C. Heard.

Chas. E. Simpson.

Pat Lambert.

P. A. Johnson.

Mike O'Donnell.

Frank Jecker.

G. W. Mass, sheriff.

Eugene Low, county and district clerk.

James F. Power.

J. O. West.

J. J. Murphy.

W. L. Rea, county judge.

G. E. Dorsey.

O. Mitchell.

Jas. F. Gaffney, editor.

L. P. Jecker.

T. A. Bell.

L. J. Wyatt.

D. S. Fox.

Tom O'Donnell.

Henry Strauch.
 C. H. Heard.
 S. A. Droddy.
 W. B. Doughty.
 S. D. Ezell.
 Chas. Blackburn.
 D. J. Kelley.
 A. V. Royals.
 Wm. Malloy.
 John J. Power.
 F. C. Bailey.
 Wm. Baumgartner, treasurer.
 R. Rigby.
 L. R. Jeter.
 W. R. Toups.
 J. M. O'Brien.
 J. M. Shelly.
 Allen Heard.
 H. Hornburg.
 J. H. M. Royals.
 T. R. Shelly.
 L. E. Carlisle.
 J. S. Huddleston.
 Clinton Heard.
 Anton Strauch.
 J. E. Fox.
 W. J. Heard.
 J. D. Bell.
 Philip Power.
 F. B. Rooke.

Senator Davidson of DeWitt offered the following:

To the Honorable Twenty-eighth Legislature of the State of Texas:

We, the undersigned citizens of the county of Refugio, respectfully petition your honorable body to place Refugio county under the operation of Title CII, Chapter 5, Revised Statutes, which said chapter provides the mole of preventing certain animals from running at large in counties and subdivisions.

W. L. Rea, county judge.
 O. Mitchell.
 W. B. Doughty.
 T. P. Shelly.
 E. Jackson.
 Rufus Winsor.
 J. M. O'Brien.
 P. A. Johnson.
 Tobe Fox.
 J. A. Ryals.
 E. Wheeler.
 Wm. Baumgartner.
 Chas. E. Simpson.
 Jas. Power.
 F. B. Rooke.
 G. E. Dorsey.
 J. B. Sweeney.
 D. S. Regan.
 T. C. Bell.
 Mike O'Donnell.
 J. O. West.
 Jas. F. Gaffney, editor.
 Henry Strauch.

Eugene Low, county and district clerk.
 A. V. Ryals.
 J. L. Shelly.
 J. M. Shelly.
 S. A. Droddy.
 Frank Jecker.
 D. S. Fox.
 Philip Power.
 A. W. J. Heard.
 J. L. Empson.
 Jno. E. Toups.
 E. St. Clair.
 W. Heard.
 J. H. Brightman.
 G. W. Mass, sheriff.
 R. E. Daugherty.
 John J. Power.
 S. P. Howard.
 E. W. West.
 Clinton Heard.
 Anton Strauch.
 Pat Lambert.
 B. F. West.
 J. M. Senmoren.
 J. H. M. Ryals.
 J. W. Toups.
 W. J. J. Heard.
 J. H. B. Heard.
 Michael Fox.
 A. H. Barber.

Senator Lipscomb offered the following:

To the Honorable Members of the Senate of Texas:

GENTLEMEN: Bill No. 175 now pending before your honorable body eliminates a clause of Section 13 of the bill passed by the Twenty-seventh Legislature regulating the practice of medicine, etc., to wit:

"Provided, that the provisions of this act do not apply to persons treating diseases who do not prescribe or give drugs, or medicine."

We feel that the elimination of these words is aimed directly at the constitutional right of the individual to worship God in his own fashion, and is also an infringement of the citizens' right to select such method of healing disease as he sees fit.

Numerously signed.

Senator Davidson of DeWitt offered the following:

To the Honorable Senate and House of Representatives of the Twenty-eighth Legislature of Texas:

We, the undersigned citizens of DeWitt county, Texas, respectfully represent that we learn that there is about to be introduced in the Legislature a bill to consolidate with the Galveston, Harrisburg & San Antonio Railway Com-

pany, among other railroads, the G., W. T. & P. Ry. Co. and the S. A. & G. S. Ry. Co.

We respectfully represent that we live in that portion of DeWitt county through which an extension of the S. A. & G. S. Ry. Co. from its present terminus of the G., W. T. & P. Ry. Co. would traverse. The S. A. & G. S. Ry. Co. had as its objective point the city of Cuero, Texas, and the completion of this road has been prevented by the fact that the Southern Pacific Railway Company has obtained possession and control of it. This portion of DeWitt county and the adjoining portions of Gonzales, Wilson and Karnes counties comprise fertile lands, thickly settled and remote from market and is sadly in need of railway facilities such as would be afforded them by the extension of the S. A. & G. S. Ry. Co.

We earnestly request the Legislature, should they in their wisdom see fit to allow the consolidation of the lines sought to be consolidated, to require as a condition precedent to such consolidation the G., H. & S. A., which now owns and controls the S. A. & G. S. Ry. Co., to extend and build said road from Stockdale, Texas, to the city of Cuero, Texas. This would not only afford us transportation facilities, but make a continuous and direct line of said roads from the city of San Antonio to the cities of Houston and Galveston, Texas. Unless such amendment to the bill as offered is adopted we desire to express ourselves as unalterably opposed to the passage of the bill; and earnestly request our Senators and Representatives of this portion of Texas to aid us in obtaining those railway facilities which we would otherwise have obtained had the S. P. Ry. Co. not gained control of the S. A. & G. S. Ry. Co.

Respectfully submitted,

Henry Duderstadt.
S. L. Sample.
Thomas Brantley.
W. E. Lowry.
H. J. Babbitt.
Julius McKinney.
R. T. Sample.
J. A. Sample.
J. I. Woodall.
J. F. Foulds.
C. C. Anderson.
I. O. Goldman.
Wm. Foulds.
J. I. Goldman.
T. A. Poland.
W. F. Sasse.
F. T. Spellmann.
Christian Spellmann.
E. C. Spellmann.
F. P. Cobb.
M. F. Philips.
J. L. Philips.

A. B. Story.
Hardy Philips.
J. D. Asher.
J. H. Asher.
T. J. Asher.
M. L. Vaughn.
F. H. Cobb.
M. Thomson.
S. Thomson.
John Thomson.
H. Hammer.
B. Hammer.
L. H. Avant.
Pleas. Avant.
W. W. Vancleave.
J. H. Benrow.
Mollie Otten.
Paul Kertzman.
Wm. Billings.
John Allen.
A. Yocum.
Jos. Webb.
Charles Campbell.
Z. R. Davis.
B. F. Davis.
W. S. Davis.
Thos. Caffall.
Ephriam Caffall.
Wm. Gary.
J. B. Cobb.
T. T. Griffin.
W. J. Presly.
J. Odom.
C. Odom.
J. C. Griffin.
J. J. Stephenson.
Culver Griffin.
Joe York.
A. S. Griffin.
Chas. Griffin.
Jim Avant.
Geo. Davis.
T. Allsap.
W. B. Avant.
H. L. Hunter.
J. H. Howe.
W. L. Howe.
J. M. Howe.
J. W. Howe.
C. E. White.
J. D. White.

Senator Lipscomb offered the following memorial:

To the Honorable, the Members of the Twenty-eighth Legislature:

Your memorialists, San Jacinto Chapter No. 2, of Harris county, is a division of the Daughters of the Republic of Texas, an association composed of the widows, wives and descendants of the early pioneers of Texas, who made the thrilling history of our State, and gave their lives and property in behalf of humanity and freedom, having for its aim and object the acquisition and preservation of historic spots, and cultivating in the

hearts of the living and coming generations a sentiment of noble and inspiring patriotism. The special work undertaken by your memorialists involved the purchase and proper care of the San Jacinto battlefield, and as a first essential step in this direction, in 1894, we addressed the Texas Veteran Association, asking that a committee of well informed members and participants in the battle be appointed to assist in defining accurately and authoritatively the boundaries of the battlefield. The result was that on the 4th of July, 1894, the following gentlemen accompanied San Jacinto Chapter to the battle ground, and defined the boundaries, to wit: James M. Hill, L. C. Cunningham, S. F. Sparks, J. W. McHorse, J. W. Winters, James M. Harbour, Henry McCollough, J. R. Fenn and F. R. Lubbock. The expenses of the trip were defrayed by San Jacinto Chapter.

Afterwards, San Jacinto Chapter memorialized the Twenty-fifth Legislature for an appropriation to condemn and purchase 250 acres. The appeal was granted, and through a commission appointed by the Governor, 327 acres were purchased, embracing practically all of the battlefield except about ten acres fronting on the bayou. This particular tract being owned by a New York syndicate, the Commissioners could not acquire, because of the fact that they were limited to pay not exceeding \$25 per acre, and the land on the bayou front was assessed beyond this figure. There were in all four separate bills to complete the purchase as made.

After the State had secured the ground, the importance of designating and marking where the historic scenes of the battle took place, while survivors were living, was the next work of San Jacinto Chapter.

Of the five living participants in the battle, only one was found able to undergo the fatigue of a visit to the field—Mr. J. M. Winters, of Big Foot, Frio county. Accordingly, on June 4, 1901, a committee from San Jacinto Chapter, accompanied by Mr. Winters, Hon S. J. Hendrick, a San Jacinto Commissioner; Mr. J. W. Maxcy, civil engineer in behalf of the State; Mr. Geo. A. Hill, secretary for his father, Col. J. M. Hill, a San Jacinto Commissioner; and Mr. J. R. Fenn, who represented the Texas Veteran Association committee, rode very carefully over the battlefield and placed where the truth of history required, temporary iron markers, consisting of galvanized one inch pipe, twelve feet in length, with a cross at the top, and driven in the ground to about nine feet. No. 1 designating the camp of General Houston, where he lay wounded under a tree, on

the bank of Buffalo bayou, the spot where Santa Anna was delivered to him a captive. This marker is in the ten acres referred to above, and is not owned by the State. If acquired, condemnation must be exercised, as repeated efforts have been made to purchase from owners without avail.

The following are within the boundaries of the State's property:

No. 2. Position of Twin Sisters on the 20th, during the cannon battle and cavalry skirmish.

No. 3. Camp of Gen. Burleson's regiment.

No. 4. Camp of Gen. Millard's regiment.

No. 5. Camp of Gen. Lamar's regiment (cavalry).

No. 6. Camp of Gen. Sherman's regiment.

No. 7. Line of Sherman's advance on the 21st.

(b) Iron pipe on the line of Burleson's advance on the 21st.

(a) Iron pipe on the line of artillery advance on the 21st.

(M) Iron pipe on the line of Millard's advance on the 21st.

(N) Double locust tree, Hockley's artillery advance on the 21st.

Double oak marked X, position of Mexicans on the 20th, in Post Oak Grove.

Iron pipe south of West Post Oak Grove, near old Sowell homestead, in shell bed, where cavalry fought on the 20th.

No. 8. Iron cross south end of Mexican breastworks, and cavalry engagement on the 21st.

No. 9. Where Houston was wounded and lost his first horse, killed from under him.

No. 10. Iron cross, Mexican cannon.

No. 11. Iron cross north end of Mexican breastwork.

No. 11½. Iron pipe cast iron cross No. 10, where General Santa Anna had his hammock swung supported by four brass posts.

No. 12. Iron cross where Mexicans were captured, including General Almonte, in a grove across the Santa Anna slough, where the dead Mexicans and horses made an effective pontoon bridge for over one hundred yards.

These iron markers should be replaced by stone tablets.

The expenses of this trip, too numerous to mention, were borne by San Jacinto Chapter and the members individually, managed to the best of their ability in behalf of Texas and its history.

Thus far our work has been successfully accomplished, but much yet remains to be done before it can be said that Texas has evinced an adequate realiza-

tion of her obligation to history. After the lapse of sixty-seven years, the battlefield of San Jacinto stands in its primitive grandeur, wild in high grass and tanglewood. Its groves of beautiful trees are being cut away by the vandal. Surrounding residents, regardless of color, claim and use it as a "potters field." Ye sons of Texas! let not this condition remain; unlock your coffers, and decree honor unto San Jacinto, ere it is too late to preserve the identity of the ancient landmarks which played such a strategic part in that memorable struggle. Enshrined in song and story will live this historic field, and the sentiment of a few today will be that of thousands in the years to come. San Jacinto Chapter requests that you not wait longer, but crown their labors with success, by giving them your moral and financial support. They ask no craven gift. They have a right to expect that a portion of what their forefathers won should be expended on its birthplace to save it from destruction. At San Jacinto they won an empire, and could have divided it among themselves and each had a kingdom; and who could have said unto them, "Nay"? With that which by their valor they won, they endowed a nation, and to your honorable body, the representatives of that nation, your memorialists most respectfully come with this petition, and earnestly ask that you approve, as recommended by ex-Governor Sayers in his last message, that the San Jacinto battlefield be enclosed and necessary improvements be made; that the sum of \$25,000, or as much thereof as may be necessary, be appropriated out of any money in the State treasury not otherwise appropriated, for enclosing, improving, ornamenting and the proper protection of the three hundred and thirty-seven acres of land owned by the State in Harris county, Texas, and known as the "San Jacinto Battlefield," under such restrictions as to you may seem right and proper.

Hands that can be generous, hearts that are loyal, grant this appeal, and let not the fires of patriotism dwindle into ashes of forgetfulness.

Respectfully submitted,

MRS. J. J. MCKEEVER, JR.,
President.

MRS. NELLY S. COX,
Secretary.

Senator Beaty offered the following:

To the Hon. T. J. Beaty and to the Hon. R. C. Duff, Austin, Texas:

We, the undersigned citizens of Beaumont, Texas, do hereby request that you use all your influence to defeat Senate bill No. 175, as its passage would ex-

clude the osteopathic physicians from practicing in the State of Texas.

Hoping you will do all in your power to prevent the passage of this act, we are,

Respectfully yours,

Will P. Oldham.

S. H. Harris.

O. B. Greeves, president Beaumont Iron Works.

H. L. Fagin.

J. R. Parks.

C. W. Gano.

Myers Bros.

J. H. Lack.

J. H. Kimball.

R. R. B. Henry.

Thos. Saxe.

M. S. Duffie.

Robt. M. Hallowell.

G. E. Tadbox.

Ben H. Kimbrough.

R. B. Underhill.

C. C. Wightman.

E. A. McDowell.

Sol Saper.

Chas. Salinsky.

C. T. Bunch.

J. A. Cobb.

J. K. Gast.

Henry D. Keith.

L. J. Kopke.

R. B. Thacker.

D. Lee Slatafer.

L. Salinsky.

H. Y. Brown.

F. B. Martin.

R. L. Cox.

Senator Beaty offered the following:

Be it resolved by the directors of the Chamber of Commerce of Beaumont, Texas, That it is the sense of this organization that the bills recently introduced in the Texas Legislature proposing to levy a tax of one per cent. upon the gross earnings of persons and companies engaged in the sale of refined products of oil, and that certain other bills proposing to fix a tax of two per cent. upon the gross earnings of persons and companies engaged in piping and storing oil, are unwise and should not be enacted into law by the Legislature of Texas for the following reasons, to-wit:

1. Because said tax is harsh and unjust, in that all such persons or companies are now taxed upon the full value of their properties, and corporations required to pay not only charter fees and franchise taxes but the holders of stock are required to pay taxes upon same.

2. Because such tax is a direct tax upon the producer of the crude oil and upon the consumer of the refined product.

3. Because said tax will necessarily retard the future development of the oil industry now in its infancy in Texas.

4. Because in the development of the oil fields of Texas large sums of money are necessarily expended before any profit can be derived from the production of oil.

5. Because said tax will have a tendency to force capital into the development of the Louisiana, Mexico and other points outside of the State where such harsh laws do not exist.

6. Because such tax is in its nature unequal and discriminative.

7. Because the proposed taxation is class taxation and unconstitutional and in direct violation of the law.

8. Whereas, The Louisiana oil field is within fifty miles of Beaumont, the two per cent. taxation would enable the refineries at Beaumont to either pipe or ship oil from the Louisiana field for less than the same product could be produced in the Texas field and would be a discrimination against home production in favor of foreign production; therefore, be it

Resolved, That our Senator and Representative in the Legislature be requested to oppose all such proposed legislation.

Senator Lipscomb offered the following:

Fulshear, Texas, February 22, 1903.

To the Hon. A. G. Lipscomb, now representing the Sixteenth Senatorial District of Texas:

We, the undersigned citizens of Fulshear, Fort Bend county, beg leave to call your attention to the Section 15 of the medical law as passed by the Twenty-seventh Legislature. An amendment is being offered by Davidson of DeWitt and Hicks to Section 15 of the medical law now before the Senate as bill No. 175, "excluding persons treating disease who do not prescribe, or give drugs or medicine."

The above section referred to we heartily endorse, but vigorously protest against the bill No. 175 to amend the same.

If, upon investigation, you will assist in defeating this bill, your hearty co-operation will be appreciated by the undersigned citizens of Fulshear.

J. B. Nesbitt.
Mrs. Madge Nesbitt.
J. R. Briscoe.
Mrs. L. A. Briscoe.
Mrs. L. C. Mayes.
Miss Juliet Mayes.
Mrs. Cornelia Camp.
J. W. Boyd, attorney.

COMMITTEE REPORTS.

The following committee reports were offered:

EDUCATIONAL AFFAIRS.

Committee Room,
Austin, Texas, February 24, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Educational Affairs, to whom was referred

House bill No. 41, A bill to be entitled "An Act to transfer Cass county from the community to the district school system,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LIPSCOMB, Chairman.

ENGROSSED BILLS.

Committee Room,
Austin, Texas, February 25, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 128, A bill to be entitled "An Act to provide for a survey of the Brazos river and its principal tributaries, preparing maps, profiles, plans, estimates, etc., from its mouth to Waco, Texas, and making an appropriation therefor,"

And find the same correctly engrossed.

PATTESON, Chairman.

Committee Room,
Austin, Texas, February 25, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 21, A bill to be entitled "An Act to exterminate prairie dogs in Texas by allowing citizens in counties or subdivisions thereof to vote upon the question of such extermination, providing means of extermination, and declaring an emergency,"

And find the same correctly engrossed.

PATTESON, Chairman.

EXCUSED.

On motion of Senator Hale, Senator Paulus was excused for non-attendance upon the Senate on yesterday on account of sickness.

ADDITION TO COMMITTEE APPOINTED.

The Chair announced the appointment of Senator Faulk as an addition to the sub-committee of the Finance Committee to visit the Orphans' Home at Corsicana.

Morning call concluded.

UNFINISHED BUSINESS.

The Chair laid before the Senate, as unfinished business, Senate bill No. 175 (see caption in yesterday's Journal).

The question being on the adoption of the amendment offered by Senators McKamy, Hanger and Savage.

Senator Hanger moved the previous question on pending amendment, which being duly seconded, was ordered.

SENATE BILL NO. 172 SIGNED.

The Chair (President Pro Tem. Davidson of DeWitt) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read.

Senate bill No. 172, "An Act changing and fixing the times of holding the courts in the Third Judicial District of Texas, and providing for a longer term in Henderson county."

CALL OF THE SENATE.

Pending action on the amendment,

Senator Savage moved a call of the Senate, which call being duly seconded, the roll was called, the following Senators answering to their names:

| | |
|-------------|------------|
| Beaty. | Henderson. |
| Brachfield. | Hicks. |
| Cain. | Hill. |
| Davidson of | Lipsecomb. |
| DeWitt. | Martin. |
| Davidson of | McKamy. |
| Galveston. | Mills. |
| Decker. | Morris. |
| Douglass. | Patteson. |
| Faulk. | Paulus. |
| Faust. | Perkins. |
| Grinnan. | Savage. |
| Hale. | Sebastian. |
| Hanger. | Willacy. |
| Harbison. | Wilson. |
| Harper. | |

Absent.

Faubion. Stafford.

Senator Hanger moved to excuse the absentees as shown by the foregoing roll call.

The motion was lost by the following vote:

Yeas—18.

| | |
|------------|------------|
| Beaty. | Hill. |
| Faulk. | Lipsecomb. |
| Faust. | Martin. |
| Grinnan. | McKamy. |
| Hale. | Mills. |
| Hanger. | Morris. |
| Harbison. | Patteson. |
| Harper. | Paulus. |
| Henderson. | Sebastian. |

Nays—11.

| | |
|-------------|-----------|
| Brachfield. | Douglass. |
| Cain. | Hicks. |
| Davidson of | Perkins. |
| DeWitt. | Savage. |
| Davidson of | Willacy. |
| Galveston. | Wilson. |
| Decker. | |

Absent.

Faubion. Stafford.

Senator Savage moved that the Sergeant-at-Arms be instructed to bring in the absentees.

The motion prevailed.

SENATE BILL NO. 193—SPECIAL ORDER.

The Chair laid before the Senate, special order for this hour, on its second reading.

Senate bill No. 193, A bill to be entitled "An Act to amend Article 3385, Title LXIX, of the Revised Civil Statutes of the State of Texas, of 1895, so as to except from the operation of said article merchants doing a wholesale drug business who sell alcoholic stimulants to retail merchants, whose regular and principal business is selling drugs and medicines and compounding prescriptions, and declaring an emergency."

Senator Harbison moved that further consideration of the bill be postponed until tomorrow morning at the conclusion of the morning call.

The motion prevailed.

HOUSE BILL NO. 130.

On motion of Senator Wilson, the special order of business (Senate bill No. 196) was suspended, and the Senate took up, out of its order, House bill No. 130.

The Chair laid before the Senate, on its second reading,

House bill No. 130, A bill to be entitled "An Act making appropriations for deficiencies in the appropriations heretofore made for the support of the State government from March 1, 1900, to August 31, 1903, being for claims registered in the Comptroller's office in accordance with law and for outstanding claims not registered, and for other de-

iciencies; and to make additional appropriations for the support of the State government for the year ending March 31, 1903."

With the following committee amendments:

Strike out all after the enacting clause and insert the following:

Section 1. Fees for court judges, etc., in examining trials year ending February 28, 1901:

| | |
|----------------------|-----------|
| Registered | \$ 253 85 |
| Estimated | 100 00 |

\$ 353 85

Fees for court judges, etc., in examining trials year ending August 31, 1901:

| | |
|----------------------|-----------|
| Registered | \$ 251 15 |
| Estimated | 100 00 |

\$ 351 45

Fees for county judges, etc., in examining trials year ending August 31, 1902:

| | |
|----------------------|-------------|
| Registered | \$22,522 35 |
| Estimated | 1,403 76 |

\$23,926 10

Fees attached witnesses year ending February 28, 1901:

| | |
|----------------------|----------|
| Registered | \$ 55 89 |
| Estimated | 100 00 |

\$ 155 89

Fees attached witnesses year ending August 31, 1901:

| | |
|----------------------|-----------|
| Registered | \$ 442 74 |
| Estimated | 500 00 |

\$ 942 74

Expenses attached and subpoenaed witnesses year ending August 31, 1902:

| | |
|----------------------|-------------|
| Registered | \$39,177 38 |
| Estimated | 7,729 84 |

\$46,907 22

Salary special judges August 31, 1902:

| | |
|----------------------|-------------|
| Registered | \$ 3,641 48 |
| Estimated | 1,358 52 |

\$ 5,000 00

Fees and costs of sheriffs year ending August 31, 1902:

| | |
|----------------------|-------------|
| Registered | \$31,879 82 |
| Estimated | 7,339 18 |

\$39,219 00

Court Civil Appeals, First District:

| | |
|---------------------------------|-------------|
| | Registered. |
| Fuel, light and ice | \$ 100 00 |
| Postage, etc. | 50 00 |
| Books for law library | 100 00 |

\$ 250 00

Court Civil Appeals, Second District:

| | |
|--|-------------|
| | Registered. |
| To pay Geo. D. Barnard & Co. for record books and stationery | \$ 200 00 |
| (Another account is out for \$173.47) | 173 47 |

\$ 373 47

Court Criminal Appeals:

| | |
|--------------------------------------|-------------|
| | Registered. |
| To pay Clarke & Courts, etc. | \$ 71 80 |

\$ 71 80

Railroad Commission:

| | |
|---|-------------|
| | Registered. |
| Postage, etc., August 31, 1902. | \$ 150 00 |

\$ 150 00

Live Stock Sanitary Commission:

| | |
|---------------------------|-------------|
| | Registered. |
| For maintenance | \$ 2,400 00 |

\$ 2,400 00

General Land Office:

| | |
|----------------------------------|-------------|
| | Registered. |
| Vellum, etc. | \$ 200 00 |
| Telegraphing | 20 00 |
| Stationery | 1,000 00 |
| Contingent expenses | 100 00 |
| To pay W. D. Twitchell | 409 20 |

\$ 1,809 20

Comptroller's Office:

| | |
|-----------------------|-------------|
| | Registered. |
| Postage, etc. | \$ 657 97 |
| Postage, etc. | 50 00 |

\$ 707 97

State Orphans' Asylum:

| | |
|-------------------------------|-------------|
| | Registered. |
| Fuel | \$ 500 00 |
| Postage | 40 00 |
| General maintenance | 7,200 00 |

\$ 7,740 00

State Lunatic Asylum:

| | |
|-------------------------|-------------|
| | Registered. |
| Maintenance | \$15,000 00 |
| Dry goods, etc. | 3,000 00 |

\$18,000 00

Southwest Texas Insane Asylum:

| | |
|-----------------------|-------------|
| | Registered. |
| Maintenance | \$ 5,000 00 |

\$ 5,000 00

| | | | |
|---|--------------|--------------------------------|-------------|
| Confederate Home: | | Railroad Commission: | |
| | Registered. | | |
| Maintenance, etc. | \$11,000 00 | Postage, etc. | \$ 200 00 |
| Medicine | 500 00 | | \$ 200 00 |
| Repairs | 500 00 | Live Stock Sanitary Com- | |
| | \$12,000 00 | mission: | |
| Deaf, Dumb and Blind Asy- | | Maintenance | \$ 2,400 00 |
| lum: | | | \$ 2,400 00 |
| | Registered. | Deaf and Dumb Asylum: | |
| Groceries, etc. | \$ 1,000 00 | Five extra teachers..... | \$ 2,100 00 |
| | \$ 1,000 00 | | \$ 2,100 00 |
| Public Buildings and | | State Purchasing Agent: | |
| Grounds: | Registered. | Salary, August 31, 1901..... | \$ 74 56 |
| Feed for teams..... | \$ 200 00 | Contingent expenses | 300 00 |
| | \$ 200 00 | To pay Capital City Book Co. | 38 69 |
| Blind Asylum: | | | \$ 413 25 |
| | Registered. | General Land Office: | |
| Groceries, etc. | \$ 2,000 00 | Vellum | \$ 200 00 |
| Transportation | 200 00 | Telegraphing | 20 00 |
| Fuel | 700 00 | Stationery and books..... | 1,000 00 |
| Water and light..... | 250 00 | Contingent expenses | 100 00 |
| General repairs | 1,200 00 | | \$ 1,320 00 |
| Dry goods, etc..... | 600 00 | Comptroller's Office: | |
| Repairing furnaces, etc..... | 500 00 | Postage, telegraphing | \$ 1,000 00 |
| | \$ 5,450 00 | Contingent expenses | 50 00 |
| Miscellaneous: | | | \$ 1,050 00 |
| To refund liquor dealers li- | | State Lunatic Asylum: | |
| cense, etc. | \$25,000 00 | Maintenance | \$15,000 00 |
| | \$25,000 00 | Dry goods, etc..... | 3,000 00 |
| Sec. 2. To embrace supplemental ap- | | Transportation | 200 00 |
| propriations for the year ending August | | | \$18,200 00 |
| 31, 1903: | | Southwestern Insane Asy- | |
| Judiciary: | | lum: | |
| Fees of county judges..... | \$25,000 00 | Maintenance | \$ 8,000 00 |
| Expenses witnesses | 50,000 00 | Dry goods and clothing..... | 2,000 00 |
| Salary of special judges..... | 5,000 00 | | \$10,000 00 |
| Fees and costs of sheriffs.... | 40,000 00 | Blind Asylum: | |
| | \$120,000 00 | Groceries, etc. | \$ 2,000 00 |
| Court of Civil Appeals, | | Transportation | 200 00 |
| First District: | | Fuel | 700 00 |
| Fuel, etc. | \$ 100 00 | Water and light..... | 250 00 |
| Postage, etc. | 50 00 | Dry goods and clothing..... | 600 00 |
| Books for law library..... | 100 00 | | \$ 3,750 00 |
| | \$ 250 00 | Confederate Home: | |
| State Orphans' Asylum: | | Maintenance | \$11,000 00 |
| Fuel (registered) | \$ 700 00 | Medicine | 500 00 |
| Postage, etc. | 40 00 | Repairs and painting..... | 500 00 |
| General maintenance | 9,460 00 | To pay mileage and per diem | |
| | \$10,000 00 | of Board of Managers for | |
| Executive Mansion: | | attending monthly meetings | |
| Repairs, etc. | \$ 750 00 | of said board..... | 600 00 |
| | \$ 750 00 | | \$12,600 00 |
| | | Deaf, Dumb and Blind Asy- | |
| | | lum for Colored Youths: | |
| | | Salary of Superintendent.... | \$ 1,500 00 |
| | | Salary of principal teacher... | 675 00 |

| | |
|---|--------------------|
| Salaries of three class room teachers and one music teacher | 1,800 00 |
| Salary of instructor in broom-making and mattress-making | 450 00 |
| Salary of shoemaker | 450 00 |
| Salary of seamstress | 300 00 |
| Salary of matron | 360 00 |
| Salaries of laundress and one assistant | 420 00 |
| Salary of night watchman | 300 00 |
| Salary of engineer and plumber | 500 00 |
| Salary of preceptress | 270 00 |
| Salary of cook and assistant | 500 00 |
| Salary of farmer and gardener | 300 00 |
| Salary of monitor | 270 00 |
| Salary of assistant matron and poultry raiser for eight months | 200 00 |
| Furniture | 250 00 |
| Stationery, postage and printing | 75 00 |
| Clothing for indigent pupils | 400 00 |
| Apparatus | 125 00 |
| Transportation for indigent pupils | 450 00 |
| Tools for shops | 100 00 |
| Repairs and general improvements | 500 00 |
| For groceries and miscellaneous, including pay of the Board and mileage | 2,000 00 |
| | <u>\$12,195 00</u> |
| Public Buildings and Grounds: | |
| Feed for teams | \$ 200 00 |
| | <u>\$ 200 00</u> |
| Miscellaneous: | |
| To pay organized counties the amounts due such counties on the unexpired leases of county school lands patented to such counties in cases where said lands were leased prior to the organization of such counties and the rental paid into the State treasury by lessees, payable out of the available school fund, to which fund such rentals have been credited | \$ 2,500 00 |
| To pay Warren W. Moore, district attorney Districts Nos. 26 and 53, out of the general revenue, commissions in judgment in cause No. 16,778, in district court of Travis county, and styled State of Texas vs. Harde-man County, said judgment being for the sum of \$5,000. | 300 00 |
| For repairs and other expenses incident to the maintenance | |

of the Governor's Mansion. 750 00
\$ 3,550 00

For the purpose of distributing the new arms and equipments, and for the purpose of collecting the old arms and equipments to be returned to the U. S. government, the sum of \$700, or as much thereof as may be necessary \$ 700 00
\$ 700 00

To pay Volunteer Guard for actual service:
Accrued \$ 1,892 00
Estimated 1,000 00
\$ 2,892 00

Sec. 3. The several claims mentioned in this bill shall be submitted to the Attorney General for his approval before being paid.

Sec. 4. Whereas, there being no appropriation to pay claims against the State herein provided for which are outstanding and are legal claims against the State, creates an emergency and an imperative public necessity which justifies the suspension of the constitutional rule which requires bills to be read on three several days in each house, and this act shall take effect from and after its passage, and it is so enacted.

The committee amendments were adopted.

Senator Mills offered the following amendment to the bill as amended:

"Amend under head of 'Confederate Home' by striking out '\$600' and insert '\$960.'"

The amendment was adopted.

Senator Perkins offered the following amendment:

"Amend at bottom of page 374 of Journal by adding the following: 'For Troupe experiment station for maintenance and support from March 1, 1903, to August 31, 1903, \$1,000.'"

The amendment was adopted.

The bill was read second time, and passed to a third reading.

On motion of Senator Wilson, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—29.

| | |
|-------------|-------------|
| Beaty. | Davidson of |
| Brachfield. | Galveston. |
| Cain. | Decker. |
| Davidson of | Douglass. |
| DeWitt. | Faulk. |

| | |
|------------|------------|
| Faust. | McKamy. |
| Grinnan. | Mills. |
| Hale. | Morris. |
| Hanger. | Patteson. |
| Harbison. | Paulus. |
| Harper. | Perkins. |
| Henderson. | Savage. |
| Hicks. | Sebastian. |
| Hill. | Willacy. |
| Lipscomb. | Wilson. |
| Martin. | |

Absent.

Faubion. Stafford.

The bill was read third time, and passed by the following vote:

Yeas—29.

| | |
|-------------|------------|
| Beaty. | Henderson. |
| Brachfield. | Hicks. |
| Cain. | Hill. |
| Davidson of | Lipscomb. |
| DeWitt. | Martin. |
| Davidson of | McKamy. |
| Galveston. | Mills. |
| Decker. | Morris. |
| Douglass. | Patteson. |
| Faulk. | Paulus. |
| Faust. | Perkins. |
| Grinnan. | Savage. |
| Hale. | Sebastian. |
| Hanger. | Willacy. |
| Harbison. | Wilson. |
| Harper. | |

Absent.

Faubion. Stafford.

Senator Wilson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

EXECUTIVE MESSAGE.

EXECUTIVE OFFICE,
STATE OF TEXAS.

Austin, February 26, 1903.

To the Senate:

I respectfully request the advice and consent of the Senate to the following appointments:

To Constitute the Board of Managers of the Epileptic Colony at Abilene, Texas—John Bowyer, Louis C. Wise, Abdon Holt, and D. L. Middleton, of Taylor county; and J. T. Harrington, of McLennan county.

S. W. T. LANHAM,
Governor.

EXECUTIVE SESSION.

On motion of Senator Beaty, tomorrow at 11 o'clock was designated as the time for the Senate to go into executive ses-

sion for the purpose of considering the foregoing appointments.

HOUSE CONCURRENT RESOLUTION
NO. 8 SIGNED.

The Chair (President Pro Tem. Davidson of DeWitt) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read:

House Concurrent Resolution No. 8, Providing for a joint committee to negotiate a purchase by the State of Mc-Ardle's battle painting, "The Battle of San Jacinto."

PRIVILEGED COMMITTEE REPORTS.

The following privileged committee reports were offered:

ENGROSSED BILLS.

Committee Room,
Austin, Texas, February 25, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 70, "An Act to diminish the civil and criminal jurisdiction of the county court of Sutton county; to conform the jurisdiction of the district court thereto, and to repeal all laws in conflict herewith,"

And find the same correctly enrolled, and have this day, at 10:45 o'clock a. m., presented the same to the Governor for his approval.

HALE, Chairman.

Committee Room,
Austin, Texas, February 26, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 172, "An Act changing and fixing the times of holding the courts in the Third Judicial District of Texas, and providing for a longer term in Henderson county,"

And find the same correctly enrolled, and have this day, at 12 o'clock m., presented the same to the Governor for his approval.

HALE, Chairman.

MOTION TO EXCUSE ABSENTEES.

Senator Hanger moved to excuse absentees.

The motion was lost by the following vote:

Yeas—19.

| | |
|------------|------------|
| Beaty. | Lipscomb. |
| Faulk. | Martin. |
| Faust. | McKamy. |
| Grinnan. | Mills. |
| Hale. | Morris. |
| Hanger. | Patteson. |
| Harbison. | Paulus. |
| Harper. | Sebastian. |
| Henderson. | Wilson. |
| Hill. | |

Nays—10.

| | |
|-------------|-----------|
| Brachfield. | Decker. |
| Cain. | Douglass. |
| Davidson of | Hicks. |
| DeWitt. | Perkins. |
| Davidson of | Savage. |
| Galveston. | Willacy. |

Absent.

| | |
|----------|-----------|
| Faubion. | Stafford. |
|----------|-----------|

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 26, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 12,
Providing for sine die adjournment on
April 1, 1903, at noon.

Respectfully,

MARK LOGAN,
Acting Chief Clerk, House of Rep-
resentatives.

BILLS ON FIRST READING.

By Senator Henderson:

Senate bill No. 224, A bill to be entitled
"An Act to amend Section 5, of Chapter
34, of the General Laws of Texas, en-
acted at the Regular Session of the
Twenty-seventh Legislature, approved
March 29, 1901."

Read first time, and referred to Judi-
ciary Committee No. 1.

By Senator Henderson:

Senate bill No. 225, A bill to be entitled
"An Act to repeal Chapter 4 of the Gen-
eral Laws of Texas, enacted at the First
Called Session of the Twenty-seventh
Legislature, approved September 2,
1901."

Read first time, and referred to Judi-
ciary Committee No. 1.

SENATE BILL NO. 196—SPECIAL
ORDER.

The Chair laid before the Senate, on
its second reading, special order for this
hour,

Senate bill No. 196, A bill to be entitled
"An Act to better define the qualifica-
tions of voters; to prescribe the duties
of officers of election, and to make it a
penal offense to use or attempt to use
for the purpose of enabling one to vote a
poll tax receipt issued for another, and
to fix a penalty therefor."

Senator Faulk offered the following
amendment:

"Amend by striking out all after the
word 'himself,' on page 1, line 18, to and
including the word 'vote,' in line 27."

Senator Patteson offered the following
substitute for the foregoing amendment:

"Amend by striking out all of that
provision in line 23, on page 1, following
the word 'vote' down to line 27, on page
1, including the word 'vote.'"

Pending discussion on the adoption of
the substitute,

Senator Lipscomb moved that the Sen-
ate adjourn until 10 o'clock tomorrow
morning.

The motion prevailed, and the Senate,
at 1:10 o'clock p. m., adjourned until 10
o'clock tomorrow morning.

TWENTY-NINTH DAY.

Senate Chamber,

Austin, Texas, Friday, Feb. 27, 1903.

Senate met pursuant to adjournment.

President Pro Tem. Davidson of De-
Witt in the chair.

Roll call. Quorum present, the fol-
lowing Senators answering to their
names:

| | |
|-------------|------------|
| Beaty. | Harper. |
| Brachfield. | Henderson. |
| Cain. | Hicks. |
| Davidson of | Hill. |
| DeWitt. | Lipscomb. |
| Davidson of | Martin. |
| Galveston. | McKamy. |
| Decker. | Mills. |
| Douglass. | Morris. |
| Faubion. | Patteson. |
| Faulk. | Paulus. |
| Faust. | Perkins. |
| Grinnan. | Savage. |
| Hale. | Sebastian. |
| Hanger. | Willacy. |
| Harbison. | Wilson. |

Absent.

Stafford.

ROLL CALL OF OFFICERS AND EM-
PLOYES.

Present.

Clyde D. Smith.
W. E. DeLamar.
R. M. Gilmore.
Amos Wynne.